

DONALD WILLIAMS

V

GRAND RAPIDS PUBLIC LIBRARY

File No. 1:06-cv-0635

EXHIBIT B

to

***BRIEF IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
UNDER AUTHORITY OF FED.R.CIV.P. 56(b)(c)***

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD WILLIAMS,

Plaintiff,

Case No. 1:06-CV-0635

v

Hon. Robert Holmes Bell
Chief, U.S. District Judge

GRAND RAPIDS PUBLIC LIBRARY,

Defendant.

DONALD WILLIAMS
44 1/2 S. Division., Apt. 37
Grand Rapids, MI 49503

DANIEL A. OPHOFF (P23819)
Assistant City Attorney
Attorney for Defendant
300 Monroe Ave., NW, Suite 620
Grand Rapids, MI 49503
(616) 456-4023

AFFIDAVIT OF WILLIAM BALDRIDGE

State of Michigan }
County of Kent }ss.

William Baldridge, whose former business address was 111 Library St., NE, Grand Rapids, MI 49503, after being duly sworn, deposes and says as follows:

1. That he is a former Assistant Library Director employed by the Grand Rapids Public Library at all times material to this lawsuit.
2. That affiant retired in December of 2006.
3. That he has personal knowledge of certain facts and circumstances relating to the above-referenced matter and if called would testify in the matter as follows.
4. That on September 21, 2005 he was advised by Tim Gleisner that Plaintiff

was on his way to the Grand Rapids Public Library administrative offices located on the fourth floor of the Grand Rapids Public Library to speak with a member of the administrative staff.

5. That affiant believes Mr. Williams stated that Tim Gleisner had told him to turn his computer off and that he could not publicly display images of the type that were on his laptop screen in the Grand Rapids Public Library.

6. That affiant believes Plaintiff was primarily interested and discussed whether Tim Gleisner had the authority to close out the images on Plaintiff's laptop and whether Tim Gleisner had the authority to tell him to leave the Grand Rapids Public Library.

7. That affiant advised Plaintiff under authority of the Library patron rules and Library computer use rules attached to this affidavit as Exhibit A, Tim Gleisner was authorized to ask a patron to shut down images that would be inappropriate for display in the Grand Rapids Public Library and/or ask a patron to leave for displaying such images.

8. That affiant believed Mr. Williams insisted that he was using his own computer and the images were located on his computer which he had a right to display in the Grand Rapids Public Library.

9. That affiant advised Plaintiff that it was the display of inappropriate materials which was the concern and that it did not matter if the images came from the internet or were permanently located on Plaintiff's laptop.

10. That affiant advised Plaintiff viewing nudity was not the issue as many works of art and photographs and other mediums contained nudity.

11. That affiant believes Plaintiff asserted that he an absolute right to view what

he pleased on his own computer in the Grand Rapids Public Library.

12. That affiant is informed and believes Plaintiff filed a suggestion form complaint approximately one year after September 21, 2005 and immediately prior to filing this his complaint in this matter.

FURTHER AFFIANT SAYETH NOT.

By: 
WILLIAM BALDRIDGE

Subscribed and sworn to before me 16th, 2007.

Shelley L. Lilly
Shelley L. Lilly, Notary Public
Ottawa County, Michigan
My Commission Expires: 5/21/08
Acting in Kent County, Michigan

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Patron Rules & Responsibilities

The Grand Rapids Public Library supports the right of all individuals to use the Library appropriately with the safety and peace of all in mind. In order to maintain a clean, safe and comfortable environment for our patrons and employees, the Board of Library Commissioners has adopted the following rules. It is the duty of Grand Rapids Public Library staff to see that these rules and responsibilities are properly enforced so that the Library can be appropriately used by all. Patrons who violate these rules and responsibilities will be subject to appropriate penalties.

- Solicitation of any kind is prohibited on Library property.
- Library patrons may not molest or willfully annoy another person.
- No person shall engage in loud or boisterous conduct or create or engage in any disturbance, fight or quarrel that causes or tends to cause a breach of the peace on Library property.
- No person shall use profane, obscene or injurious language in the presence of another person or that is directed at another person on Library property.
- No person may eat or drink in any Library building except in designated areas.
- Smoking and other use of tobacco products is prohibited on Library property except in designated areas.
- Bags and other containers brought into a Library building by patrons must fit completely under a Library chair.
- Unless needed by persons with disabilities or to transport children, wheeled vehicles may not be brought into Library buildings.
- No person shall loiter on Library property or remain on Library property after having been directed to leave by a Library employee.
- No person shall trespass on Library property. This includes being in Library buildings or on Library property when they are not open to the public and going into areas in Library buildings or on Library property that are not open to the public.
- No person shall damage, alter, deface, destroy, meddle with, tamper with, interfere with, disconnect or improperly remove any Library property or any other property not his or her own.
- No person shall fail to return Library materials on time or fail to comply with Library policies or procedures regarding the use of Library materials or services - including computers.
- No person shall be in a state of intoxication on Library property. No person shall possess or consume any alcoholic beverage on Library property except with the approval of the Director.
- No person shall enter into or remain in Library buildings unless they are properly attired including, but not limited to, wearing a shirt and shoes.
- No person shall enter into or remain upon Library property when, because of inadequate personal hygiene, they interfere with the use of the Library by others. No person shall sleep on Library property for more than 10 minutes.
- Parents or other adults accompanying minors on Library property are responsible for the behavior of the minors and for assuring that the minors comply with the Library Patron Rules and Responsibilities. Minors may not be left in the Library as a substitute for appropriate child care.
- No person shall violate any local ordinance or state or federal law when on Library property.

ANY PERSON VIOLATING ANY OF THESE RULES MAY BE ORDERED TO LEAVE LIBRARY PROPERTY, BE DENIED LIBRARY PRIVILEGES, OR BE BANNED FROM USE OF ANY LIBRARY PROPERTY. IF CONDUCT WHICH VIOLATES THESE RULES IS ALSO A VIOLATION OF THE LAW, PROSECUTION MAY RESULT.

Revised by the Board of Library Commissioners, May 2004



Rules for Internet Use at the Grand Rapids Public Library

Grand Rapids Public Library provides access to the Internet and other electronic resources in support of its mission. Patrons using the Internet at any of the Grand Rapids Public Library locations must read and adhere to the following Rules for Internet Use. Violators will be required to terminate their Internet sessions, and may lose their library privileges.

1. Be considerate of each other. Profane, obscene or injurious language, text or graphics that is purposely directed at another person, or purposely displayed for public view, will not be tolerated.
 - Materials brought up on any public access computer at all our libraries are considered on display for public viewing.
2. You must adhere to federal, state, and local laws governing the content, transmission, and dissemination of information.
 - The Grand Rapids Public Library enforces MCL 397.606 (Sect. 6 of the Library Privacy Act). Therefore, the Library does not allow anyone using a computer on library premises to view matter that is obscene or material that is sexually explicit and harmful to minors, because a minor could view it. Persons who do not comply with this rule will lose their Internet privileges and may lose any or all other library privileges.
3. Only public domain materials or software, may be copied.
4. It is the responsibility of parents, guardians, or others responsible for children, to determine what is appropriate for the minor child in their care.
5. The Library does not provide email or chat accounts. You may take advantage of these free services available through the web; however, our staff will not assist with these services.
6. Use of personal software is prohibited.
7. Return the computer screen to the Home position at the end of your session.
8. Hacking, attempts at hacking, configuration changes or attempts, software modifications or attempts are prohibited and will result in loss of library privileges.
9. Internet time is limited to two 30-minute sessions per person, for library card holders. This restriction applies even if two patrons share the same computer (the two are treated as one user).
 - You may be asked to limit your session to one 30-minute session, if others are waiting.
 - Internet sessions with temporary Internet access cards are limited to one half-hour session per patron, per day.
 - Sunday sessions are limited to one 30-minute session, per person, for all Library patrons.
10. There is a limit of two persons per computer. All users must abide by the Library's Internet Policy and Rules for Internet Use, when sharing a computer.
11. Printing must be completed within the time allowed for a session.
12. Misrepresenting yourself by use of another person's library card, password, or signature will result in loss of Internet use.
 - Use of multiple library cards is forbidden.
13. All computers are turned off 15 minutes before the Library's closing.

Disclaimer: The Grand Rapids Public Library does not censor access to material nor protect users from controversial information. Parents of minor children must assume responsibility for their children's use of the Internet through the Library's connection. The Library does not control the availability of information links, which often change rapidly and unpredictably. Not all sources on the Internet provide accurate, complete, or current information. Users need to be good information consumers, questioning the validity of the information. Also, the Library assumes no responsibility for any damages, direct or indirect, arising from use of its WWW Server or from its connections to other Internet services through our service provider.